

This amendment cancels claim 4. Claims 1 - 3 and 12 - 19 and 22 - 24 are pending. Claims 1 and 16 are the independent claims.

I. REJECTION OF CLAIMS AS INDEFINITE UNDER 35 U.S.C. §112, SECOND PARAGRAPH

The office action rejects claims 1-4, 12-19 and 22-24 under the second paragraph 35 U.S.C. §112, as being indefinite. These independent claims have been clarified as suggested by the examiner. Claim 4, has been cancelled for failing to further limit the claims. Claim 12 has been amended to clarify that the liposome is formed prior to the feeding step.

II. REJECTION OF CLAIMS FOR OBVIOUSNESS-TYPE DOUBLE PATENTING

Claims 1-4, 12-19, and 22-24 are rejected on non-statutory obviousness-type double patenting over claims 1 and 3 - 7 of US 7,354,713 in view of Cook et al. (US 5,919,451).

An executed Terminal Disclaimer over US 7,354,713 is submitted herewith.

Applicants submit that the case is now in condition for allowance.

7-24-2009

DATE

Respectfully submitted,

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